

Regulatory Services



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Mission - UDAF works towards accomplishing the food program’s mission of ensuring:

- Foods are safe, wholesome, and sanitary.
- Food products are honestly, accurately, and informatively represented.
- These products are in compliance with Utah’s laws and rules.
- Non-compliance is identified and corrected.
- Unsafe or unlawful products are removed from the marketplace.

Food Program Activities – The Utah Department of Agriculture and Food conducted 327 more inspections in 2001 than in 2000. This is a 9 percent increase with the same amount of resources. The number of facilities in a given category and the number of inspections conducted in each category are indicated below.

Food Compliance Program

Food Safety and Security – The American food safety system is justifiably admired around the world. Consumers are provided with an abundant supply of convenient, economical, high quality and safe food. Protecting the safety and quality of the food supply is one of the Utah Department of Agriculture and Food (UDAF), Division of Regulatory Services main functions. UDAF’s oversight of food safety, wholesomeness and labeling has contributed greatly to the safety of the food system.

The September 11, 2001, terrorist attack on New York and Washington generated a heightened awareness of the fact that food and water are targets for tampering and criminal or terrorist activity. UDAF is working to shift industry’s paradigm into thinking about the security of food as well as the food safety aspects. We are seeking to educate food establishments on measures that can be taken to minimize the risk of food being subjected to tampering.

Enforcement

Food Product Control - The Utah Wholesome Food Act includes two main areas of responsibility: adulteration and misbranding. A food is adulterated if it contains any poisonous substance, which may render it injurious to health, or if it has been produced or stored under conditions whereby it may become contaminated with filth, or rendered diseased, unwholesome or injurious to health. Misbranding is when food products are improperly labeled or missing key information.

In order to protect the consumer, food that is suspected of being misbranded or adulterated is prevented from moving in commerce. This is achieved through Voluntary Destructions, Hold Orders and Releases. In 2001, 25 hold orders involving 41,933 pounds of food and six hold order releases were issued. Forty-six voluntary destructions were agreed upon involving 66,919 pounds of food. The food was destroyed because it was suspected of being adulterated.

Warning Notices - When voluntary compliance cannot be achieved, we take additional regulatory action in the form of Warning Notices and Administrative Action. In 2001, UDAF sent out 51 Warning Notices concerning non-compliance with the Utah Wholesome Food Act (WFA) and the Utah Food Protection Rule (FPR).

Citations - Seven citations were issued in 2001. Four were issued to supermarkets, one to a dairy, one to a meat store and one to a bakery. Citations continue to be an effective enforcement tool.

INSPECTIONS 2001

ESTABLISHMENT TYPE	NUMBER	INSPECTIONS
Bakeries	389	677
Grain Processors	9	15
Grocery Stores	1,204	1,805
Meat Departments	341	652
Food Processors	433	654
Warehouses	265	302
Water Facilities	26	43
TOTAL	2,667	4,148

Food Program Priorities

Organic Standards Rule - Organic foods are agricultural products that are produced under standards that prohibit or limit substances such as pesticides or genetically engineered organisms. This year the Department adopted a new Organic Standards Rule. The consumer’s interest in healthy diets and their concern about additives present in many processed and traditional type food products drove the adoption of this Rule.

This Rule is a great benefit to both the agricultural industry and the public. This program will facilitate the marketing of fresh and processed food that is organically produced. It assures consumers that such products met consistent uniform standards. These standards are voluntary and will not impact industry unless they choose to participate in the organic program. Under this new program organic producers and processors will have the opportunity to be certified by Utah.

Olympics - The 2002 Winter Olympics are now over and the time spent planning and implementing the plan was well worth it. The public health aspects of the Olympics went extremely well. No major foods borne illnesses were reported.

Regulatory Services was a member of an alliance called the Environmental Public Health Alliance or EPHA. The Alliance was comprised of six local health departments and UDAF, the Department of Health and the Department of Environmental Quality. The Alliance formed work groups and committees to cover the broad public health and environmental aspects of the Olym-

<p>pics. EPHA’s planning ensured risks were minimized and problem areas were addressed and resolved quickly.</p> <p>UDAF participated on the steering committee for EPHA, the drinking water committee, the food safety work group, the import committee, the food training committee, the enhanced operations committee, the rapid response committee, and the venue team leader committee. These teams designed training programs, inspection sheets, standardized procedures and policies, wrote rules and put together systems to ensure public and environmental health was well protected during the Olympics. Industry and the Salt Lake City Organizing Committee (SLOC) appreciated the unified approach.</p> <p>Within our Division, we put together an inspection team. Team members were the environmental health specialists in the counties where the venues were located. UDAF had four main areas of responsibility for the Olympics. First, we provided food safety inspections for the SYSCO Foods warehouse, which was the sole food supplier for the Olympic venue sites. Second, we inspected Compass, who manufactured the boxed lunches. More than 320,000 lunches were manufactured for the volunteers during the Olympics. During the paralympics 20,000 boxed lunches were made. Third, Restaurant Associates, a Compass subsidiary, manufactured and catered food for the USA house, the opening and closing ceremonies at Rice Eccles Stadium and the Medals Plaza. Fourth, UDAF employees were on a rapid response team designed to act as back up or emergency support for the local county health departments if additional resources were needed. It was a challenge for UDAF to provide Olympic food inspection coverage as well as the routine food program coverage with no additional resources.</p> <p>Farmer’s Markets - Historically farmer’s markets have sold raw agricultural products to the public. In the past few years we have seen a revival of these markets. They operate from August through October. The modern farmer’s market is very different than those of the past. There are increased activities relating to food service and other types of food processing taking place outdoors. Food samples are being given to consumers. UDAF developed guidelines for industry to follow because this is a unique area that is not adequately covered in Utah’s Food Protection Rule. To adequately address the issue and problems that we were seeing at the farmer’s market we decided to work with local county health departments. This approach worked very well. It ensures a uniform approach to the food inspection process preventing industry confusion.</p> <p>Chili Roasters - There was an increase in popularity of purchasing and consuming bulk roasted green chilies. UDAF investigated the situation and found over 20 of these seasonal chili-roasting operations in Utah. According to the Food Protection Rule, roasted green chilies would be considered a potentially hazardous food. These are foods that are capable of growing microorganisms that could lead to illnesses. We became very alarmed that chilies were being roasted in farmer’s fields, backyards and garages with no form of protection against environmental contaminants or without running water. Basic food safety practices, such as the washing of hands, were not taking place. The food safety issues surrounding roasting chilies without proper facilities are equivalent to cutting meat outdoors. UDAF took enforce-</p>	<p>ment action throughout Utah against individuals and companies roasting chilies without being in compliance with agriculture’s laws and rules pertaining to food safety. This was a very emotional issue for many businesses that had been doing this for years. They put pressure on the Department to change its enforcement practices. We stayed with our original decision to stop the chili roasting operations unless the chili roasting operations complied with Utah’s requirements for a food facility because of the extreme risk associated with processing this type of product.</p> <p>Non-traditional Food Establishments - UDAF received a call from a local county health department. They had a popcorn business in their area that had been popping popcorn and packaging it in a tent located in the Wal-Mart parking lot every Saturday. The business had been doing this for over a year. The county health department had given this food establishment a permit to operate. Now the health department was wondering whether it should have allowed food processing to take place in a tent. They had not required any of the basic construction items such as floors, walls and ceiling, handsinks and warewashing sinks. They wanted our help. At first, the health department looked at it like a temporary food service type operation that you would see at a fair. UDAF thought of it as someone processing food in the parking lot of Wal-Mart. One of our food safety responsibilities is ensure the environment in which food is produced is clean and sanitary. We issued a Cease and Desist to the company. They were very upset stating that the food code was not being enforced uniformly across the state. UDAF recognized the great diversity in the types of non-traditional food establishments. Each local health department looks at these facilities differently. The food code does not adequately address temporary food facilities making enforcement difficult. The lack of standardization affected UDAF because we have jurisdiction throughout the state. We decided that we needed to bring the Utah Department of Health in to assist us in achieving uniformity in this area. A committee was formed to develop definitions and guidelines for non-traditional food facilities. Education of industry and the local health department is being implemented to ensure the success of this workgroup.</p> <p style="text-align: center;">Meat Compliance Program</p> <p>The Meat Compliance Program goal is to control and limit the movement in commerce, of adulterated or misbranded meats. An additional goal is to provide accurate information concerning complex meat laws.</p> <p>The State of Utah has experienced little if any conflict with implementation of the HACCP program at meat production facilities. Compliance stands ready to assist with documentation and prosecution of any violations and has assisted with collection of several outstanding bills for service. The planned compliance review program continues to monitor all custom exempt plants, farm custom slaughter facilities and game processors for compliance. The centralization of the meat packing industry has forced an increase in the numbers of animals processed by exempt facilities.</p> <p>This year the final determination of amenability of central kitchens to full time inspection was handed down. One “state of the art” central kitchen affected by the decision applied and was granted official inspection. The Utah Department of Agriculture and Food, Meat Compliance Program successfully argued for ex-</p>
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emption from official inspection for kitchens providing meals to the public and athletics of the 2002 winter Olympics hosted by Utah. Appropriate food safety monitoring and inspection was accomplished by a correlation of food safety experts from agriculture, EPA, health departments and professional food service organizations. The success of the food service portion of the 2002 Olympics supported our measured and common sense approach. Utah enjoys a high degree of compliance with the federal mandate to provide “Safe Handling Labels” on all fresh meat and poultry products. Three Warning Notices were issued to firms not in compliance. The Meat Compliance program continues to notify firms of non-compliance with Safe Handling, or other labeling violations. Utah also found significant compliance with the new regulation requiring shell eggs be stored, transported and held at ambient temperatures of 45 degrees or cooler, one firm was issued notice of non-compliance. The past year showed a dramatic decrease in food-borne illness associated with Salmonella Enteritis in shell eggs. The 41 confirmed Salmonella enteritidis cases reported during 2001 was an 86 percent decrease from the 299 confirmed cases reported during 2000! These are the lowest numbers we have seen in several years. Aggressive enforcement of food code refrigeration rules and the response of industry and government official to last years outbreak accounts for this important decrease. Meat Compliance is responsible for accurate trace-back and documentation of implicated products.

During the calendar year 2001 the Meat Compliance Program conducted 1,294 random reviews of state businesses and 556 reviews at facilities not generally inspected by meat compliance officers. The division also 43 planned compliance reviews of previous violators of meat laws. Compliance investigations resulted in 17 letters of warning being issued. A citation for \$100 was issued for the illegal slaughter of lambs and goats. Compliance officers collected more than 500 ground beef samples, which were analyzed by the State Chemist for fat, sulfites and added water. The results showed a decline in compliance with 18 percent high in fat content and approximately 5 percent significantly high. During 2002 increased emphasis will be given to this matter. The Meat Compliance is faced with a growing problem, of improper use of retail stores as suppliers of meat to restaurants. We will focus significant effort to educate and obtain compliance with laws and restrictions to these types of sales.

Egg & Poultry Grading

The Egg and Poultry Grading program provides a needed service to the egg and poultry industry and the consumers of Utah. Grading provides a standardized means of describing the marketability of a particular product. Through the application of uniform grade standards both eggs and poultry can be classified according to a range of quality characteristics. Buyers, sellers and consumers alike can communicate about these characteristics through a common language. These grading services are made possible through cooperative agreements with the USDA. We administer this service using licensed department employees, USDA Standards, regulations and supervision. The use of the official USDA grade shield certifies that both eggs and poultry have been graded under the continuous inspection of grading personal.

Program activities include:
Shell Egg Grading Egg Products Inspection
Shell Egg Surveillance Poultry Grading

Shell Egg Grading

The egg producers of Utah produced 2,369,000 (30 Dozen per case) cases of shell eggs in 2001. Approximately 25 percent of those eggs where USDA graded by licensed graders. The shell egg grading section has also seen a dramatic increase in the number of eggs being USDA graded for the ultimate consumer. In years past, the USDA grading of shell eggs in Utah was done primarily for institutional buyers of shell eggs. Consumer graded shell eggs in 2001 accounted for approximately 51 percent of all eggs graded in Utah. A total of 588,746 (30 Dozen Case) cases where graded by licensed graders in Utah this past year 2001. This is a 272,482 (30 Dozen Case) case increase from last year, or about an 86 percent increase.



An additional employee was hired to assist in providing coverage at the Delta Egg Farm Plant, as coverage is now needed there seven days per week. In 2001 grading personnel offered presentations to elementary age children. They explained the USDA grade mark and what it means to the consumer when purchasing USDA graded eggs.

On September 1, 2001, the Food and Drug Administration implemented a new labeling requirement, which is a part of the President’s Action Plan to Eliminate Salmonella Enteritidis. All shell eggs destined for the ultimate consumer must carry the following safe handling statement on the shell egg carton. Compliance with this requirement has been very good.

The Utah egg industry continues to work on the concerns associated with Salmonella Enteritidis. As the producers work to prevent illness, the consumer must do their part to handle eggs properly or the diligent efforts of the producer will have gone to waste. Even though only a few eggs may be contaminated, (1 in 20,000 eggs may carry the infection Salmonella Enteritidis) we still need to continue refrigerating and cooking eggs properly.

During 2001 McDonalds, Burger King and Wendys all announced requirements for suppliers in regards to the humane treatment of egg producing type hens. They all included basically the same requirements. More cage space, banning the practice of withholding feed to increase production and elimination of the practice of debeaking. This could have a big impact on the egg industry not only in Utah but also in the nation. In the European countries force molting has already been banned and by the year 2012 caged chickens will be phased out. Consumers today can buy eggs in the retail market that are raised cage free. These eggs typically sell for a much higher price and are produced at smaller operations. For a buyer the size of McDonalds who purchases 1.5 billion eggs annually finding that many eggs of this type could be a challenging task. Both the egg industry and government agencies are looking at these issues. We should see changes in management practices in the coming years.

Egg Products Inspection

The Egg Products Inspection Act provides for the mandatory continuous inspection of the processing of liquid, frozen and dried egg products. Egg products are inspected to ensure that they are wholesome, properly labeled, and packaged to protect the health and welfare of consumers. Egg products are used extensively in the food industry in the production of food products and by restaurants and institutions in individual meal service.



For many years the per capita consumption of eggs declined. This was due to health concerns and lifestyle changes. But it would appear that the consumption of egg has been on a steady increase sense 1991, when the per capita consumption was 233.7 eggs per person. In the year 2001, the per capita consumption of eggs was 259.9. Part of the reason for this increase is the demand for further processed eggs. The further processing of eggs adds greater product stability, longer shelf life, and ease in preparation and storage as well as product safety. It is predicted that this trend will continue and we should see continued growth in the egg breaking industry.

During the year 2001, 189,260 (30 Dozen per case) cases of shell eggs where processed into liquid or frozen egg products in Utah. This is an increase of about 26 percent over the previous year. This compares to the year 2000, where 140,497 (30 Dozen per case) cases were processed.

Shell Egg Surveillance - The Egg Products Inspection Act also requires that all egg producers with over 3,000 layers, firms grading and packing eggs from production sources other than their own, and hatcheries be registered with USDA. These firms are visited quarterly to verify that shell eggs packed for the consumer are in compliance, that restricted eggs are being disposed of properly, and that adequate records are being maintained.

Poultry Grading

In 2001, the licensed grading staff at Moroni and Salina was responsible for grading 81,279,368 lbs. of processed turkeys and turkey products.

Poultry Graders were also involved in the processing of Donated Poultry Commodities. Donated cooked diced chicken was processed into chicken pot pies. These pies were used in the school lunch program and during 2001, 81,312 pies where processed. Two Utah plants were added as part time USDA Poultry plants in 2001. Lower’s Meats are involved in the processing of poultry



bearing the “Prepared from Grade A” mark. This plant will be provided coverage by an USDA FSIS inspector. Shepherd Foods Inc. processes donated poultry commodities and coverage for this plant is provided using existing grading personnel.

Retail Egg Grading - During the year 2001, state egg graders conducted a sampling of retail eggs. These eggs were graded for quality, checked for refrigeration requirements and labeling requirements. A total of 45 stores where visited throughout the state. A total of 1,810 cases of eggs were graded and compliance with the regulations appeared to be good.

Dairy Compliance Program

The primary goal of the Dairy Compliance Program is to provide effective public health control throughout the production, processing, handling and distribution of milk and milk products in order to facilitate the shipment and acceptance of high sanitary and superb quality milk and milk products.

Drug Monitoring Program -The entire dairy industry has been sensitized to the concern over the presence of animal drug residues in milk. It is the responsibility of the Utah Department of Agriculture and Food to monitor industry surveillance activities to ensure that drug residue screening tests are performed in accordance with acceptable methods and requirements.

Drug residue screening is a heavily regulated aspect of the dairy industry. Among the many regulations there is now a list of prohibited drugs. There are 12 substances including antibiotics and minerals that are on the list of banned substances that are not allowed to be used on dairy farms. Both federal and state regulatory agencies consume a great amount of time and energy examining paper work and performing audits, evaluations, inspections, and sampling in checking for compliance with existing requirements which are in place to ensure that Utah’s milk supply is free from animal drug residues.

Approximately 1 billion pounds of milk was produced in Utah during the year 2001. During the year 0.175 percent or 1.75 million pounds of milk produced in the state was discarded due to antibiotic residues. This is up 250,000 pounds from the year 2000. In all, there were 40 milk tank trucks of milk that had to be rejected because the milk could not be allowed to be processed or enter into the human food chain because the milk contained animal drug residues. This demonstrates how well the surveillance activities are actually working to ensure that milk contaminated with animal drug residues is identified and removed from the normal flow into commerce and market channels.

NCIMS - The May 2001 National Conference on Interstate Milk Shipments (NCIMS) approved a two year extension to the Dairy Hazard Analysis Critical Control Point (HACCP) Inspection Pilot Program. Utah will have two dairy plants participating in this voluntary pilot program. Gossner Foods has chosen to continue on from the first phase and The Dannon Company has been selected to participate in the second phase. Kyle R. Stephens, Director, Division of Regulatory Services, was elected to the Executive Board of the NCIMS Conference representing the 13 western states. This is the first time anyone from Utah has been elected to the board.

This program continues to seek voluntary compliance whenever possible. However, when voluntary compliance cannot be achieved, regulatory action is initiated. During the calendar year 2001, there were 2145 inspections conducted; 102 administrative letters were written; 58 permits were suspended; 2 administrative hearings were held; and 1.75 million pounds of adulterated milk and milk products were removed from commerce by Utah Dairy Compliance Officers.

Dairy Program Statistics		
TYPE	NUMBERS	INSPECTIONS
Grade A Farms	356	1369
Manufacturing Farms	44	166
Dairy Processors	45	359
Raw to Retail Dairies	4	21
Milk Hauler/Samplers	244	67
Milk Trucks	336	163

Bedding, Upholstered Furniture, & Quilted Clothing Program

The purpose of the Bedding, Upholstered Furniture and Quilted Clothing Program is to protect consumers against fraud and product misrepresentation, to assure Utahn’s hygienically clean products and to provide allergy awareness when purchasing these articles. Utah law requires manufacturers, supply dealers, and wholesalers of these products, and components used to make or repair such products, to obtain an annual license from the Department of Agriculture and Food for their particular type of business before offering items for sale within the state. Application forms and other program materials are available at the following URL: <http://ag.utah.gov/regsvcs/regservices.html>

Product labels are required to indicate whether the product is made from new or secondhand materials and to disclose filling materials by name and percentage. This enables consumers to make price/value/performance-based buying decisions. It also encourages fair competition among manufacturers by establishing uniformity in labeling and accurate component disclosure.

Utah has amended their Bedding, Upholstered Furniture, and Quilted Clothing Rule to adopt by reference ABFLO’s standard for plumage-filled articles of bedding and furniture. Similar requirements for the labeling of plumage-filled clothing have been written. Products shall only be labeled “Down” if they contain a minimum of 75 percent down and plumules. Articles containing a mixture of down and feathers must show the percentages of each contained therein. The rule will eliminate tolerances in the down content in conformance with FTC’s Truth in Advertising requirements and will promote national uniformity.

License fees fund an inspection program, which allows products to be examined and tested to ensure contents are accurately labeled. During 2001, 1185 licenses generated \$63,000 in general revenue making the program self-sustaining.

Food Labeling Program

The State of Utah has adopted labeling regulations as set forth in the Code of Federal Regulations (CFR) and reviews labels to assist manufacturers to comply with these regulations. Label reviews help new producers avoid costly reprinting of incorrect labels and help assure that consumers get complete and accurate information in a uniform format on all food products.

Proper labeling of food ingredients is a vitally important issue to consumers who have food sensitivities or other dietary restrictions. Reports of allergic reactions to incompletely or incorrectly labeled foods continue to increase. The U. S. Food and Drug Administration (FDA) has identified increased food security and safety as their #1 goal for 2002. Proper labeling of food allergens

is an important part of their food safety program.

Manufacturers are responsible for ensuring that food is not adulterated or misbranded as a result of undeclared allergens. FDA believes the following foods account for more than 90 percent of all food allergies: legumes (such as peanuts and soybeans), milk, eggs, fish, crustacea, mollusks, tree nuts, and wheat. The CFR provides that spices, flavors, and certain colors used in foods may be declared collectively without naming each one individually. However, in some instances, these ingredients contain sub-components that are allergens. Evidence indicates that some food allergens can cause serious reactions even when present in very small amounts. Therefore, the presence of an allergen, even as a sub-component of another ingredient, must be listed in the ingredient statement.

Manufacturers, who produce a variety of foods, some with and others without allergenic ingredients, must take care that there is no cross-contamination between product lines. FDA urges manufacturers to examine their production sequencing and cleaning procedures for equipment commonly used for more than one food product. Manufacturers should also be aware of ingredients in foods that may be reworked into other food products. Some food manufacturers have voluntarily included allergen statements on their labels, such as: “Made in an establishment that also processes nuts.” Such statements do not reduce the necessity for good manufacturing practices, nor relieve the manufacturer of liability for food adulterated with allergenic ingredients from another food.

Correct and complete food labels help to protect consumers and contribute to a safe and healthful food source for all of us. However, consumers are still ultimately responsible to read and understand the label and make choices based on their personal needs.

Weights and Measures Program

The Weights and Measures Program involves all weights and measures of every kind and any instrument or device used in weighing or measuring application. The purpose of the program is to ensure that equity prevails in the market place and that commodities bought or sold are accurately weighed or measured and properly identified. Unannounced inspections are routinely conducted. Weights and Measures also respond to consumer complaints. These activities are enforced through the Utah Weights and Measures Act and five accompanying administrative rules. In the year 2001, emphasis was given to consumer protection in the area of price verification, package inspection, liquefied petroleum meters, scale inspections, gasoline pumps and petroleum and water meters.

The Weights & Measures Program operates in the following areas:

General Inspections - Scales are inspected to insure that they are accurate for the services in which they are used, installed properly, and positioned so that customers can see the display. Weights and Measures inspectors pump fuel into a certified test measure to check for the accuracy of the amount of product delivered by the dispenser.

Scanner Inspections may be conducted in any type of store. Scanner pricing errors adversely affect retailers and consumers. Re-

tailers lose profits on undercharges and consumers lose money on overcharges. Price Verification inspections ensure that consumers are charged the advertised price for the items they purchase.

Weights and Measures officials check packaged products to be sure they contain the quantity stated on the label. Inspectors take random samples of packages in stores and count the items in the packages. Officials weigh or measure the contents to see if the labeled quantity is accurate.

Our inspectors checked 5,689 small capacity scales (0 – 999lbs.) and 13,467 gasoline pumps. Every type of item is subject to either a scanning inspection, package checking, or label review. In 2001, there were 15,394 packages and 30,977 scanners checked.

Large Capacity Scales - Large-scale capacities include 1,000 lbs. and up. These devices may include scales used for weighing livestock, coal, gravel, vehicles, etc., within inspections conducted at auction yards, ranches, ports of entry, mine sites, construction sites, gravel pits and railroad yards, etc. A total of 1,278 large capacity scale inspections were conducted in 2001.

Liquified Petroleum Gas Meters - Our weights and measures LPG inspector provides inspections to all Utah Vendors dispensing LPG either through dispensers or delivery trucks. In 2001, there were 272 propane meters inspected throughout the state. These inspections included checking appropriate installation and calibration of propane dispensers and meters.

Large Capacity Petroleum and Water Meters - Inspections are conducted on airport fuel trucks, fuel delivery trucks, cement batch plant water meters and other large meters. There were 333 inspections conducted in 2001.

Metrology Laboratory - The Metrology Laboratory is operated and maintained by one person. The state maintains standards of mass, length, and volume. In the year 2001, 601 artifacts from industry and 215 artifacts from the Utah Weights and Measures Program were tested for a certificate of calibration certificate. These include calibration services in mass, length, and volume, using standards that are traceable to the National Institute of Standards and Technology.

Consumers rely on the services of this facility to certify equipment used for weight, length or volumetric measurement in commercial business.

Motor Fuel Laboratory - The Motor Fuel Laboratory maintains a high standard of testing for motor fuel quality. For the year 2001, 27 complaint cases required investigation and validation of claims. Of the 27 cases, 26 were determined to be valid requiring further investigation. Of the 26 cases that were investigated, we were able to help consumers recoup monetary losses. The money that was recouped was approximately \$2,250. The compensation was for repairs performed on vehicles with fuel related damage that had been properly and accurately diagnosed by professional mechanics. After the diagnosis by the professional mechanics, Utah Motor Fuel Testing Laboratory also verified the validity of the claims.

Two primary reference octane standards were obtained and the actual value was assured using the knock engine in the Utah Motor Fuel Testing Laboratory prior to using them as secondary or field standards. This was to provide fresh field standards for use in the portable octane analyzers. It was determined that our knock engine instrument and test methods yielded the same results as those of the refineries and the round robin groups that the refineries belong to.

As population and industry growth continues, so does the need to provide weights and measures inspection services.

Adjudicative Proceedings

The overall approach of the department is to gain voluntary compliance to violations of the Utah Agricultural Code. When that is not accomplished, the department initiates administrative actions and provides opportunity to a hearing. During 2001, the department conducted a total of tow administrative hearings. These actions resulted in \$14,500 in civil penalties being assessed against Utah businesses, with a total of \$1,500 being paid and the balance set aside as a part of a probation agreement. The number of hearings conducted declined during this time period and is due in large part to the fact that the department promulgated administrative rules, in March 1999, giving the department the authority to issue citations for violations to the agricultural code. A citation, of up to \$500, can be issued for violations without proceeding to a hearing. During 2001, the department issued 23 citations for a total of \$4,000 in fines.

The department's administrative procedures are an effective tool in gaining compliance without going through the legal system, but still afford individuals and companies their due process rights.

